

## **REMARKS**

### **A. Status of the Claims**

Claims 1-47 were pending at the time of the October 2005 Office Action, with claims 12, 13, 18-20, 32 and 46 being withdrawn. Claims 1, 14, 21 and 33 have been amended for the reasons set forth below. No claims have been deleted or added. Thus, claims 1-47 remain pending.

### **B. Claims 1-4, 14, 15, 18, 19, 21, 22, 24, 28-30, 33-36, 38 and 42-44 Are Novel over Demarest**

#### **1. Independent Claim 1 and Its Rejected Dependents**

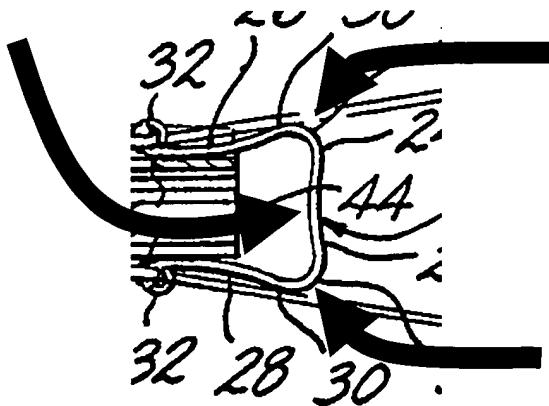
Independent claim 1 has been amended to recite that at least one of the claimed arms is a non-wire frame arm. This amendment was made to distinguish U.S. Patent No. 4,735,438 to Demarest, and for no other reason.

Both of the arms shown in Demarest are wire frame arms. Applicants distinguished such wire frame arms as not falling within the scope of a non-wire frame arm at page 21, lines 11-15 of the present application. For this reason, amended claim 1 and its rejected dependent claims are novel over Demarest and should be allowed.

#### **2. Independent Claim 14 and Its Rejected Dependent Claims**

Independent claim 14 has been amended to recite that the claimed receiving portion is defined by a single arch. This amendment was made to distinguish Demarest, and for no other reason. An example of the claimed receiving portion is shown in FIG. 62 of the present application.

The receiving portion of Demarest's clip is defined by multiple arches, as highlighted by the oversized arrows added by Applicants to a portion of Demarest FIG. 2:

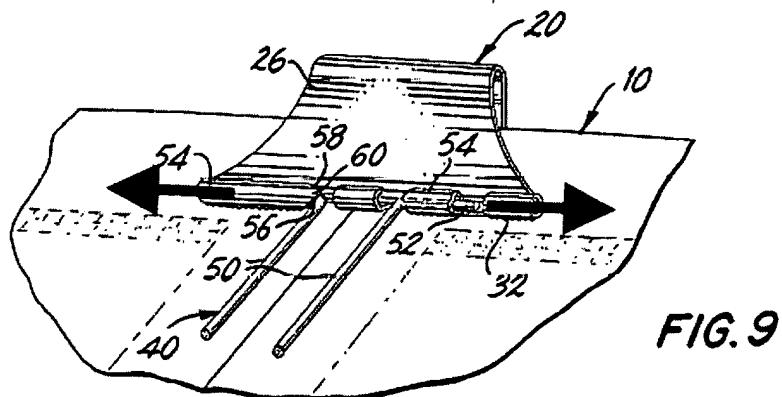


For this reason, amended claim 14 and its rejected dependent claims are novel over Demarest and should be allowed.

### **3. Independent Claim 21 and Its Rejected Dependent Claims**

Independent claim 21 has been amended to recite that the hinge segments of at least one of the claimed arms include hinge segment ends that face toward each other. This amendment was made to distinguish Demarest, and for no other reason. An example of such hinge segment ends can be found on the arms in FIGS. 58-62 of the present application. *See also* page 26, lines 12-13.

In contrast to the claimed hinge segment ends, the hinge segment ends of the Demarest arms face away from each other, as indicated by the oversized arrows added by Applicants to Demarest FIG. 9 below:



*See also* col. 4, lines 15-25. For this reason, amended claim 21 and its rejected dependents are novel over Demarest and should be allowed.

#### **4. Independent Claim 33 and Its Rejected Dependents**

Independent claim 33 has been amended to recite that the claimed arms are bowed toward each other when the arms are in an empty closed position and the device is viewed from a top profile. This amendment was made to distinguish Demarest and U.S. Patent No. 4,802,263 to Lorber (as discussed below), and for no other reason. An example of such arms and such a view is shown in FIG. 62.

Demarest's arms do not possess such a bow, as is clear from Demarest FIGS. 3, 4 and 7. For this reason, amended claim 33 and its rejected dependents are novel over Demarest and should be allowed.

#### **C. Claims 33 and 47 Are Novel over Lorber**

The amendment to independent claim 33, reciting that the claimed arms are bowed toward each other when the arms are in an empty closed position and the device is viewed from a top profile, distinguishes Lorber. Lorber's arms are not bowed as claimed. This is clear from Lorber FIGS. 5 and 6. For this reason, amended claim 33 and its rejected dependent are novel over Lorber and should be allowed.

#### **D. Petition for Extension of Time in This and Any Future Responses**

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for a 1-month extension of time in which to respond to the October 28, 2005 Office Action. If an adequate check has not been included, the Office is authorized to deduct all fees required by the filing of this response from Fulbright & Jaworski Deposit Account No.: 50-1212/THMC:015US.

The Office is further authorized to treat any concurrent or future reply that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) to be timely as incorporating a

petition for an extension of time for the appropriate length of time, and to deduct all required fees under 37 C.F.R. §§ 1.16 to 1.21 relating to any such replies of other relevant papers from Fulbright & Jaworski Deposit Account No.: 50-1212/THMC:015US.

**E. Conclusion**

Applicants submit that pending claims 1-47 are in condition for allowance. Should Examiner Sandy have any questions concerning this application, he is invited to contact Applicants' attorney at (512) 536-3031.

Respectfully submitted,



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